

The Orissa Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 649, CUTTACK, WEDNESDAY, MARCH 19, 2008/ FALGUNA 29, 1929

FOOD SUPPLIES & CONSUMER WELFARE DEPARTMENT

NOTIFICATION

The 13th March 2008

[The Orissa Public Distribution System (Control) Order, 2008]

No.6317— In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955(10 of 1955), read with paragraph 5 of the Annexure to the Public Distribution System (Control) Order, 2001, published in the Gazette of India, Extraordinary, part II, Section 3, sub-section (i), No.434, dated the 31st August, 2001 and the notification of Government of India, in the Ministry of Agriculture and Irrigation (Department of Food), GSR 800, dated the 9th June 1978, published in the Gazette of India, Extraordinary, part II, Section 3, sub-section (i), dated the 17th June, 1978 and the notifications in the Ministry of Industry and Civil Supplies (Department of Civil Supplies and Co-operation) No.S.O.681 (E) and S.O.682 (E) both dated the 30th November, 1974, published in the 'Gazette of India, Extraordinary, part II, Section 3, sub-section (i), dated the 30th November, 1974, the State Government do hereby make the following orders namely :—

1. Short title, extent and commencement

- (1) This order may be called the Orissa Public Distribution System (Control) Order, 2008.
- (2) It shall come into force on the date of its publication in the *Orissa Gazette*.

2. Definitions

In this Order, unless the context otherwise requires, —

- (a) "**Above Poverty Line Ration Card**" means ration card issued to families not identified as 'Below Poverty Line' or 'Antyodaya' beneficiaries;

- (b) "**Act**" means the Essential Commodities Act, 1955(10 of 1955);
- (c) "**Agent Wholesaler**" of Oil marketing company means a Wholesaler appointed by an Oil marketing company to obtain Kerosene from such company for sale to retailers and/or Sub-wholesalers under the Public Distribution System;
- (d) "**Annapurna Card** " means card issued to those persons selected under Annapurna Scheme;
- (e) "**Antyodaya Ration Card**" means ration card issued to those families selected under Antyodaya Anna Yojana;
- (f) "**Appellate Authority**" means any authority appointed by the state Government to exercise the powers of the appellate authority under this order;
- (g) "**Below Poverty Line Ration Card** " means ration card issued to those families identified as ' below poverty line' in accordance with instructions issued from time to time by the State Government;
- (h) "**Dealer**" means any person, firm, association of persons, company, Panchayati Raj Institution, Urban Local Body, Co-operative Society, Women Self Help Group, Forest Protection Committee, Self Help Group or any other institution carrying on business on wholesale or retail basis in the purchase, storage, sale and /or distribution of essential commodities meant for distribution under the Public Distribution System. The term "Dealer" includes wholesaler/ sub- wholesaler/ retailer and storage agents;
- (i) "**Fair Price Shop**" means a shop being operated under a licence issued to a retailer to distribute/ sell essential commodities under this order to the consumers under Public Distribution System;
- (j) "**Government**" means the State Government of Orissa;
- (k) "**Licensing Authority**" means an officer appointed by Government to exercise the powers and perform the duties of licensing authority under this order;

- (l) "**PDS Commodities** " means commodities allocated by or in accordance with instructions issued by the State Government for distribution through the Public Distribution System;
- (m) "**Place of Business**" means the place where a dealer stores , sells or distributes any of the essential commodities;
- (n) "**Public Distribution System**" (PDS) means the system for distribution to the ration card holders of essential commodities such as rice, wheat, sugar, kerosene and such other commodities as may be made available by the Central/ State Government for distribution through such system of distribution of commodities;
- (o) "**Ration card**" means a document issued under an order or authority of the state Government for the purchase of essential commodities under the Public Distribution System by the families of APL, BPL, Antyodaya Anna Yojana, Annapurna scheme and for any specific objective under any Central or State Government scheme as prescribed by Government;
- (p) "**Retailer**" means a dealer who purchases PDS commodities from a Wholesaler and stores and sells these commodities to consumers;
- (q) "**Storage Agent**" means an agent appointed by the Orissa State Civil Supplies Corporation for transportation and /or storage of PDS commodities for and on behalf of the said corporation for their eventual distribution through the Public Distribution System;
- (r) "**Sub-wholesaler**" in Kerosene means a dealer other than agent wholesaler of Oil company and a retailer;
- (s) "**Wholesaler**" means a dealer who stores and sells PDS commodities to another wholesaler or retailer, and includes a sub-wholesaler or a storage agent;
- (t) "**Working hour**" means the hours or period prescribed by the Government or the licensing authority during which the dealer has to keep his premises open for transaction;

3. Licensing of Dealers (1) No body shall carry on the business as a dealer in any essential commodity under the Public Distribution System except under and in accordance with a licence issued in that behalf by the Licensing authority;

Provided that the provisions of this sub-clause shall not apply to the dealerships directly operated by the Orissa State Civil Supplies Corporation Ltd;

Provided further that a licence obtained under any of the relevant licensing order in force on the date of coming into force of this order shall be valid till the date of its expiry and a fresh licence shall be obtained under this order before expiry of the date of such licence:

Provided further that such a licence obtained under any of the relevant licensing order in force on the date of coming into force of this order shall be deemed to be a license issued under this order from the date of coming into force of this order.

(2) A Separate licence shall be required for each place of business dealing with essential commodity under the Public Distribution System;

Provided that 'Gram Panchayats' functioning as retail dealers shall not be required to obtain a separate licence for opening ' Sub-centres' for sale within the Gram Panchayat area. In such cases, an endorsement on the license of location of the Sub-centre(s) shall suffice for storage and sale at such 'Sub-centres';

4. Appointment of Dealers and Grant of License. (1) Dealers shall be appointed by such authorities and following such procedure and in such manner as may have been and may be prescribed by the Government.

(2) No dealer shall be granted a license under this order unless he has first been appointed as such by the competent authority in accordance with sub clause (1) above.

(3) First preference for appointment and for grant of license as retailer shall be given to Gram Panchayats, followed by Women Self Help Groups, Cooperative Societies and other self Help Groups in that order of preference,

Provided that the State Government may alter or modify the order of preference by an order in writing.

(4) First preference for appointment and for grant of license as 'Sub-Wholesale' licensee in Kerosene shall be given to Women Self Help Groups followed by other Self Help Groups and Cooperative Societies in that order of preference.

Provided that the Government may alter or modify the order of preference by an order in writing.

(5) The licenses of persons other than those belonging to the categories mentioned in sub clause (3) or (4) of this clause shall not be renewed if applicants from the categories mentioned in clause (3) or (4) are available for being appointed as dealers.

(6) Any authority competent to appoint and to grant or renew licenses under this order shall make efforts to replace private dealers with institutional dealers like Gram Panchayats, Self Help Groups, Cooperative Societies etc.

5. No dealer shall hold a license to deal in a commodity under the Public Distribution System under this Order if he or any of his family members have a commercial interest in a business in or are commercial users of the said commodity or a commodity closely related to the said commodity or is a member of any Advisory or Vigilance Committee or any other Committee entrusted with supervision of the Public Distribution System.

Explanation: — For the purpose of this clause,

- (i) Commercial interest shall include business partnership and a relationship of tenant/ landlord of a commercial building.
- (ii) Diesel and Petrol shall be deemed to be commodities closely related to Kerosene.
- (iii) Owner of a commercial vehicle including boat shall be deemed to be a commercial user of Diesel/petrol.
- (iv) Family shall mean a family unit consisting of the individual concerned, his/her spouse, their unmarried sons and daughters and married sons and dependent parents;

Provided that the prohibition under this clause shall not apply in relation to the vehicles meant for and primarily used for transportation of Kerosene from oil depots of the oil marketing companies to the business premises of a wholesaler agent of an oil marketing company;

Provided further that the license shall not be cancelled for violation of provisions of this clause if the dealer or his family member, as the case may be, relinquishes his interest in such other businesses within a period of three months from the date of coming into force of this order.

6. Issue of Licence (1) Every application for a licence or for renewal thereof or for duplicate copy thereof shall be made to the Licensing Authority in Form 'A';

(2) Every licence issued, reissued or renewed under this order shall be in Form 'B' and shall specify the commodity/ commodities scheme wise, which the licensee shall deal in, and the place of business where the licensee shall act as a dealer;

(3) Every application for renewal shall be made along with the original copy of licence at least forty-five days before the date of expiry of such licence;

(4) Application for renewal of license shall be disposed before the date of expiry of the licence;

Provided that where an application for renewal of a licence has been received by the Licensing Authority within the specified period and not rejected or returned to the applicant, the validity of license shall not be deemed to have expired until disposal of the application.

(5) Where a licence issued under this order has been lost or destroyed or defaced, the licensee shall immediately obtain a duplicate copy thereof from the Licensing Authority on application by depositing the specified fee.

(6) Grant of a license will not confer a right on the licensee for allotment of quota. The authority competent to allocate quota shall decide on quota to be allocated to each dealer with due consideration to the factors like utilization of the quota allocated to the dealer earlier, distance from the area proposed to be serviced compliance to the provisions of this order by the dealer and the requirements of overall efficiency of the Public Distribution System.

7. Period of licence and fees chargeable (1) Every licence granted under this order shall, unless revoked or expired earlier be valid for a period of one year or part of a year and may be renewed for a period of one year or a part of a year at a time on application;

Explanation –‘Year’ means the financial year commencing on the 1st day of April and ending on the 31st day of March of the succeeding year.

(2) The fees chargeable in respect of each licence for a period of one year or part thereof for each individual item of PDS commodity shall be as specified below:—

	<u>For Wholesaler</u>	<u>For Retailer</u>
For issue of licence.	Rs.5,000.00	Rs.500.00
For renewal of licence.	Rs.5,000.00	Rs.500.00
For issue of duplicate licence.	Rs.2,500.00	Rs.250.00

(3) The fees specified above shall be deposited in the Government Treasury by a challan to the credit of the state Government under the head “Revenue Deposit”.

(4) The application shall be accompanied by a receipted treasury challan in token of payment of prescribed fees.

8. Security Deposit (1) Every dealer shall, before a licence is issued to him, deposit an amount mentioned below by way of security in favour of the Licensing Authority in the manner hereinafter stated for each place of business as specified below: —

For wholesaler.	Rs.10,000.00
For retailer.	Rs. 1,000.00

Provided that no additional security deposit shall be payable by the Gram Panchayat Licensees in respect of additional ‘Sale Centres ’ operated within the Gram Panchayat area / or convenience of Consumers.

(2) The security deposit referred to in sub-clause (1) shall be in any one of the following manners, namely: —

- (i) A demand draft on the State Bank of India/ any Nationalized Bank endorsed in favour of the licensing authority;
- (ii) A Deposit at Call-Receipt of the State Bank of India/ any Nationalized Bank endorsed in favour of the licensing authority; or ,
- (iii) Cash deposit into Government Treasury under head “Revenue deposit”.

9. Power to refuse licence (1) The licensing authority may refuse to renew any license if it is of the opinion that the performance of the licensee was not

satisfactory, that the licensee has contravened any provisions of the Act or any order issued there under or terms and conditions of license, the licensee has other commercial interests, which may be detrimental to the smooth functioning of Public Distribution System, that the expected size of operations of the dealer is not economically viable and / or that the renewal of license would otherwise be not in the interest of efficient functioning of the Public Distribution System.

(2) The Licensing Authority may refuse to grant or renew the license of a private dealer, if another applicant from categories mentioned in sub-clause (3) or (4) of clause (4) is available to be appointed as a dealer in the locality or area served or proposed to be served by the applicant.

(3) The licensing authority may refuse to grant or renew the license of a sub-wholesaler in Kerosene if an agent wholesaler of oil Company is operating in a business premise within 10 Km distance, from the business premises of the sub-wholesaler.

10. Responsibilities and duties of Fair price shop licensees 1. The licensees of the fair price shop shall be responsible to ensure that they:-

- (a) receive Public Distribution System commodities from wholesalers as per the quota before the first day of the month to which the quota relates;
- (b) make available the whole allotment of essential commodities, after taking delivery, from the first day of the month;
- (c) be responsible for making all essential entries in ration cards;
- (d) sell essential commodities to ration card holder or any other member having their name in the ration card;
- (e) sell the essential commodities to the ration cardholders as per his/her entitlement strictly at the retail issue price fixed by the Government and personally conduct or supervise such transactions;
- (f) return the ration card to the card holder after the transaction for which the card was produced to him/her is over;
- (g) store and sell essential commodities only at the place specified in the licence;

- (h) take adequate measures to ensure that the essential commodities are stored in proper scientific condition;
- (i) inform the consumers tagged to him/her about the arrival of stocks at his/her center;
- (j) behave with consumers cordially and with due courtesy;
- (k) obtain, in tally register, utilization certificate of members of Retailer Level Advisory Committee before subsequent issue of stocks;
- (l) obtain prior written permission from the local Inspector of Supplies or authorized officer for closing the FPS in business hours;
- (m) display the following information on a notice board at a prominent place in the shop namely: —
 - (i) List of all ration cards attached to the Shop;
 - (ii) entitlement of essential commodities ;
 - (iii) retail issue price of each of the essential commodities ;
 - (iv) scale of issue ;
 - (v) timing of opening and closing of the Fair Price Shop ;
 - (vi) stocks of each of the essential commodities received during the month on daily basis.
 - (vii) opening and closing stock of each of the essential commodities on daily basis; and
 - (viii) the authority for redressal of grievances/lodging complaints with respect to quality, quantity and price of essential commodities.
- (n) maintain updated records of ration card holders (APL, BPL, Antyodaya and Annapurna), Stock Register, Issue or Sale Register, Tally Register, Complaint Book and such other records as may be prescribed by the Government or the Licensing Authority;
- (o) furnish copies of specified documents, namely, ration card register, stock register, sale register to the Grama Panchayat, Municipality, N.A.C./ and or Vigilance Committee/ Advisory Committees and to any other body authorized by the state Government for the purpose as and when so required by such authorities;

(p) produce books of accounts and records relating to allotment and distribution of essential commodities to the inspecting agency and furnishing such information as may be called for;

(q) display samples of food grains being supplied through the Fair price shop;

(r) keep the Fair Price Shop open through out the month during the stipulated working days and business hours;

(s) provide the relevant extracts of the records maintained by him/her to the beneficiaries on payment of prescribed fees;

(t) permit the ration card holder to buy essential commodities in installment as per his/her entitlement and also to allow them to lift the quota of the preceding month if the same could not be lifted by the consumer earlier;

(u) keep certified Weights and Measures for distribution of essential commodities to consumers and get Weights and Measures renewed timely and keep verification certificate in the business premises;

(v) ensure that agents and employees kept by him in charge of stock and / or sale of PDS commodities on his behalf comply with the terms and conditions of the license and the provisions of this Order; and

(w) intimate to the card holder, in writing, the reasons for denial or non-supply of quota.

(2) The licensee of the Fair Price Shop or his agents/ employees shall not, under any circumstances:—

(i) deny the ration card holder the supply as per his entitlement of the essential commodities, if the commodity is in stock;

(ii) retain the ration cards with him/her after the transaction is over or obtain ration cards from consumers prior to such transaction;

(iii) make false entry in the ration cards or sale/stock / tally register or any other official record;

(iv) engage in black marketing or diversion of essential commodities under Public Distribution System to the open market;

(v) hand over or sublet such fair price shops to other unauthorized person/ organization;

- (vi) close the ration shop during working hours without prior written permission of Inspector of Supplies or other officer authorized by the licensing authority; and
- (vii) keep the records relating to the Fair Price Shop at any place other than the licensed business premises.

11. Responsibilities and duties of Wholesaler/ Sub-wholesaler/ Storage

Agent. (1) The Wholesalers, including Sub-Wholesalers and Storage Agents shall be responsible to:—

- (a) keep the essential commodities meant for PDS after obtaining the same from the authorized/ nominated agency in the month preceding to the month to which the allotment relates;
- (b) supply the Public Distribution System commodities to the retailer or Sub-wholesaler as the case may be, immediately on demand and subject to pre payment of cost of commodities and production of tally register etc. as per prescribed procedure;
- (c) maintain register/ records as prescribed by the Government/ Licensing Authority from time to time;
- (d) produce such records, and information as called for by the authorized inspecting officers;
- (e) keep certified weights and measures as may be prescribed by Government and/ or Licensing Authority;
- (f) display the following information on a notice board at a prominent place outside the business premises near the entrance of the premises; namely:—
 - (i) Timing of the shop;
 - (ii) Opening stock, quantity received, sold, closing stock, on a daily basis;
 - (iii) Issue price of each (commodity); and
 - (iv) License number/name of owner.
- (g) maintain books of accounts in the manner prescribed by State Government/ licensing authority and provide these to authorized officers for inspection and verification on demand;

- (h) Provide correct cash memo in sequential order and, in case of foodgrains, printed copy of weighment slip to the customer;
 - (i) Display samples of foodgrains in stock kept for sale;
 - (j) Provide relevant extracts of records to any person on payment of prescribed fees;
 - (k) Arrange for scientific storage of Public Distribution System commodities; and
 - (l) Ensure that the agents and employees comply with all terms and conditions of the license and provisions of this order.
- (2) The Wholesalers, including Sub-wholesalers and storage agents, shall not:—
- (a) close the business premises during the business hours on working days without obtaining prior written permission of the licensing authority or an officer authorized by the licensing authority or by Government;
 - (b) deliver Public Distribution System commodities to any person other than that a licensee for whom the commodities are meant to be supplied;
 - (c) stock/store the Public Distribution System commodities at any place other than the place allowed in the license;
 - (d) retain the tally register of other licensees with him; and
 - (e) Keep the records relating to the business at any place other than the licensed business premises.

12. Facilities at Wholesale / Retail points and their working hours

1. The dealers shall arrange for providing following infrastructure and facilities at their business premises:—

- (a) Adequate sized building in which at least half of quantities of one month's normal allotment of food grains can be stored, and its distribution can be done without any inconvenience to the consumers; and
- (b) There should be enough space in front of Fair Price Shop for separate queue of women and men.

(2) Dealers holding license to deal in Kerosene shall keep sufficient number of barrels. These barrels should be adequate to store at least 75% of the normal monthly quota. Each barrel should be painted in blue colour and bear the name and license number of the Dealer, the serial number of barrel in consecutive order starting from 1 onwards. Each barrel should have capacity of at least 215 litres and be filled up uniformly to the level of 200 litres in each barrel, except for one barrel in which quantity could be less than 200 litres. The barrels should be stored in a 'pucca' building with RCC/Asbestos roofing with adequate fire safety equipments;

(3) Prescribed working hours of the dealers shall be as follows:—

Wholesaler	8.00 AM to 4.00 P.M.
Retailer	8.00 AM to 12.00 Noon and 4 P.M. to 8 P.M.

Provided that licensing authority may, by an order in writing, alter or modify the prescribed working hour of dealers for such period as may be specified in such order.

(4) Kerosene dealers shall maintain a 'fluid reserve stock' to the extent of quantity of 2000 litre for a wholesalers or sub wholesale dealer and 500 litre for a retailer, which should not be disposed without written permission of the licensing authority or an officer not below the rank of Inspector of Supplies;

Provided that the licensing authority may, by a written order, alter or modify the 'fluid reserve stock' for such dealers and for such period as it may decide.

13. Maintenance of Accounts

The dealer shall maintain separate register of daily accounts for each of the PDS commodities, scheme wise, as follows:-

- (a) Stock Register; -
 - (i) Opening stock of each day;
 - (ii) The quantities received on each day;
 - (iii) The quantities delivered or otherwise disposed on each day; and
 - (iv) The closing stock of the day.
- (b) Sale/ Issue Register;
- (c) Cash Memos (all Wholesalers including Sub-Wholesalers and Storage Agents)
- (d) Tally Register. (in respect of Retailer and Sub-Wholesaler); and

- (e) Such other particulars as the Government/ licensing authority may by order in writing specify in this regard.

(2) It shall be mandatory on the part of the dealer to preserve the books of accounts for inspection of competent authority for a period of at least two complete financial years.

14. Contravention of conditions of licence or Control orders (1) No holder of a licence issued under this order, or his agent or servant or any other person acting on his behalf or placed by him in physical charge of stock shall contravene any of the terms or conditions of the licence or of any Control Order issued under the Essential Commodities Act. If any such person contravenes any of the said terms or conditions, without prejudice to any other action that may be taken against him/her, the license shall be cancelled and the security deposit may be forfeited in full or in part:

Provided that no order shall be made under this clause unless the licensee has been given a reasonable opportunity of stating his case and if he desires of personal hearing against the proposed cancellation and forfeiture.

(2) Upon compliance with all obligations under the licence by the licensee, the amount of security deposit or such part thereof, which is not forfeited as aforesaid, shall be refunded to the licensee after termination of the licence by the licensing authority.

(3) The licensing authority may by a written order, suspend the license of a dealer, if a proceeding under sub-clause (1) of this clause has been initiated against the dealer, and the said licensing authority is satisfied that it is not in the interest of the smooth operation of the Public Distribution System to allow the dealer to handle the PDS stocks. No prior notice will be necessary before passing any order under this sub-clause.

Explanation :- For the purpose of this sub-clause, the proceedings under sub-clause (1) shall be deemed to have been initiated on the date of issue of the show-cause notice by the licensing authority.

(4) No prior show cause notice would be required for withholding the allocation of quota to any licensee for a period not exceeding 60 days pending enquiry or investigation against the licensee, if the Licensing Authority has reasons to believe that the licensee has not maintained proper and correct accounts in respect of the quota allocated to him earlier or has diverted the PDS stocks or committed any other irregularities.

15. Cancellation of licence in case of conviction Notwithstanding anything contained in clause 14, where a licensee has been convicted by a court of law in respect

of contravention of any order made under section 3 of the Act relating to any of the essential commodities, the Licensing Authority shall by order in writing, cancel his/her licence:

Provided that where such conviction is set aside in any appeal or revision, the Licensing Authority may, on application in Form 'A' by the person whose licence has been cancelled, reissue the licence without payment of any fee to such person up to the period mentioned in the licence so cancelled.

16. Submission of Returns (a) The licensee shall submit to the Licensing Authority concerned a true return in Form 'C' so as to reach him not later than the fifth day of each month, of stocks, receipts and deliveries of each of the essential commodities during the preceding month;

(b) Notwithstanding anything contained in sub-clause (a), the Central Government or the State Government or the Director of Food Supplies or the Collector of the District or the Licensing Authority may direct the licensee to submit a return in the form prescribed by that authority.

17. Appeal (1) All appeals under this order shall lie before the Appellate Authority.

(2) Any person aggrieved by an order of the Licensing Authority refusing to grant or renew or reissue a licence or suspending or canceling a licence or forfeiting the security deposit or withholding the allocation of quota under the provisions of this order may prefer an appeal before the Appellate Authority within thirty days of the date of receipt of the order.

(3) The memorandum of appeal should be accompanied by a copy of the license of the appellant and a copy of the order appealed against.

(4) Any appeal preferred after the expiry of the aforesaid period may be summarily rejected by the Appellate Authority.

(5) No such appeal shall be disposed of unless the aggrieved person has been given a reasonable opportunity of stating his/her case in writing and being heard in person.

(6) Pending disposal of an appeal, the Appellate Authority may direct that the order of the licensing authority, against which the appeal is preferred, shall not take effect until the appeal is disposed of.

18. Review- The authority competent to hear appeals against the order of the licensing authority referred to in clause 17 may 'suo-motu' or on a reference made to it, call for the record of the licensing authority, review the order passed by the licensing authority and pass such order as may be passed by it in an appeal preferred before it under clause 17, as it may deem appropriate:

Provided that no order shall be passed against a licensee under this clause without giving an opportunity to the person concerned of stating his case.

19. Power to direct disposal of stock- Where any person holding any stock of essential commodities under the Public Distribution System does not wish to obtain a licence after commencement of this order or where any licensee holding any stock of essential commodities does not wish to renew a licence or where his/her application for renewal thereof has been refused or, as the case may be, his/her licence has been cancelled or suspended, the Licensing Authority may direct such person to dispose of stocks of essential commodities held by him by sale/ transfer to such other person or persons by such date as may be specified in the direction and the person shall comply with such direction.

20. Issue of Directions and Guidelines: The Government may, from time to time, issue such guidelines and directions as it considers necessary to improve the efficiency of the Public Distribution System and for carrying out the purposes of this order and the Licensing Authorities and/ or the licensees to whom such directions have been issued shall comply with such directions.

21. Identification/ Review of Beneficiary List (1) Identification of Beneficiaries: Identification of beneficiaries under BPL, AAY and Annapurna scheme shall be made in accordance with the guidelines issued by the Government.

(2) Review of Beneficiary List: - Gram Sabha in Rural areas and Urban Local Bodies in Urban areas shall review the lists of Below Poverty Line, Antyodaya Anna Yojana and Annapurna beneficiaries every year for the purpose of deletion of ineligible families, addition of eligible but left out families and elimination of bogus cards

22. Issue of Ration Card (a) The Government shall issue distinctive ration cards to beneficiaries under each scheme. Ration cards shall be issued following such procedure as may be prescribed by the Government from time to time:

Provided that ration cards will not be issued to persons who are not Indian Citizens and/ or who are not normally residents of the State.

(b) Homeless and destitute persons may be issued with ration cards without insistence on a present address with reference to the prescribed format of the ration card. Instead of the permanent address, their address may be shown as "care of" the nearest fair price shop, along with an approximate description of her/his normal residence and reasons for not having a permanent address:

Provided that before issuing such cards the Collector will conduct or cause an enquiry and satisfy himself that the person is an Indian Citizen and is otherwise eligible to receive a card except for the absence of a present address due to homelessness.

(c) Ration cards may also be issued to all residents of urban settlements, even if they do not have tenurial rights over the property that they live in.

(d) Residents of forest villages may also be issued with ration cards without any prejudice to any legal action for their eviction.

(e) No person shall,

- (i) apply for or receive ration card if a ration card has already been issued to him/her or in favour of a member of her / his family with her / his name included in the card;
- (ii) give incorrect details or information while applying for a ration card for the family; and
- (iii) willfully alter or destroy, deface or permit to be defaced any of the entries on the ration card.

(f) The holder of ration card shall get the same registered with concerned Fair Price Shop. The ration cardholder can obtain PDS commodities by submitting the ration card before the fair price shop where the ration card is registered.

(g) Normally a ration card issued shall be valid for five years from its date of issue or till its cancellation. After five years the ration card may be renewed or a new ration card may be issued as the State Government may prescribe:

Provided that ration cards, issued prior to date of coming into force of this order shall remain valid till such date as the Government may decide.

(h) Ration cards shall have clearly marked on it the name and address of the ration card holder, name, age of family members and their relation with head of family and name and number of the Fair Price Shop along with the address of its location from where the ration card holder is entitled to purchase essential commodities and such other details as may be decided by the Government.

(i) No person, not being a member of the family for which the card has been issued, shall obtain, hold or use the ration card of another person.

(j) Every ration card under this order shall be the property of the State Government but the person to whom it is issued, or to the authority to whom it has been surrendered by her/ him shall be responsible for its safe custody.

(k) If any ration card is defaced, lost or destroyed, an authorized officer, after making such enquiry as she/he may think fit, issue a new ration card in place thereof, on payment of such fee as may be prescribed.

(l) When a new ration card is issued in place of a lost ration card, it shall be the duty of the person to whom the new ration card has been issued, to return the lost ration card forthwith to the officer by whom it was issued if the lost ration card is subsequently found.

(m) The authority competent to issue a ration card shall be competent to withdraw or cancel a ration card if it is found that the holder of the card is not eligible for the card and in every such case, the holder of the ration card shall be bound to surrender the ration card on demand for endorsement or cancellation as the case may be.

23. Power of entry, search and seizure etc. (a) The Licensing Authority or any other officer authorized by Government in this behalf, may, with such assistance, if any, as he thinks fit:-

- (i) require the owner, occupier or any person in charge of the place, premises, vehicles or vessels in which he has reason to believe that any contravention of the provisions of this order or of the conditions of any license issued there under has been, is being or is about to be committed, to produce any books, accounts or other documents showing transactions relating to such contraventions;

- (ii) enter, inspect or break open any place, premises, vehicles or vessels in which he has reason to believe that any contravention of the provisions of this order or of the conditions of any licence issued there under has been, is being or is about to be committed;
- (iii) take or cause to be taken extracts from or copies of any documents showing transactions relating to such contraventions which are produced before him/her;
- (iv) test or cause to be tested the weight of all or any of the essential commodities found in any such premises;

Provided that in entering upon and inspecting any premises the persons so authorised shall have due regard to the social and religious customs of the persons occupying the premises.

- (v) search, seize and remove the stocks of the essential commodities and the packages, coverings, animals, vehicles, vessels or other conveyances used in carrying the said essential commodities in contravention of the provisions of this order or of the conditions of any licence issued there under and thereafter take or authorize the taking of all measures necessary for securing the production of the essential commodities and the packages, coverings, animals, vehicles, vessels or any other conveyances so seized in a court and for their safe custody pending such production.

- (b) The provisions of section 100 of the Code of Criminal Procedure, 1973 (2 of 1974) relating to search and seizure shall so far as may be, apply to searches and seizures under this clause.

24. Prohibition of Benami Dealership No person who is not holding a license in his name shall operate a shop as a “proxy/ benami” shop keeper or as a de-facto owner by using a license granted to another person, Self Help Group, Cooperative Society or Gram Panchayat.

25. Exemption The Government may, by a general or a special order, exempt from all or any of the provisions of this order, such persons or categories of persons for such period as it may deem appropriate for effective functioning of the Public Distribution System.

26. Protection of action taken under the Order No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this order.

27. Repeal and Savings

The Orissa Kerosene Control Order, 1962, the Orissa Pulses and Edible Oils Dealers (Licensing) Order, 1977, the Orissa Rice and Paddy Control Order, 1965, the Orissa Sugar Dealers' Licensing Order 1963 and the Orissa Wheat and Wheat Products Control Order, 1988 so far as they relate to licensing of dealers of essential commodities under Public Distribution System and Orissa Public Distribution System (Control) Order, 2002 are hereby repealed with effect from the date of enforcement of this Order:

Provided that such repeal shall not affect-

- (a) the previous operation of any order repealed under this clause (hereinafter referred to as the repealed Order) or anything duly done or suffered therein; or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under the repealed order; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the repealed order; or
- (d) any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced;
- (e) and any such penalty, forfeiture or punishment may be imposed as if this order had not been issued:

Provided further that, notwithstanding anything in the first proviso to this clause, all applications for issue of license or renewal of license which have been filed under the provisions of the Orissa Public Distribution System (Control) Order, 2002 and have not been finally disposed of on the date of coming into force of this order shall be disposed in accordance with the provisions of this order.

By order of the Governor

RAJ KUMAR SHARMA

Commissioner-cum-Secretary to Government

FORM 'A'

[See clause 6 (1)]

[The Orissa Public Distribution System (Control) Order 2008]

Application for Grant/Renewal/ Reissue of Licence (Wholesale/Sub-wholesale Retail)/
Issue of duplicate copy of Licence (Wholesale/Sub-wholesale/Retail)

1. Applicant's name.
 - a) Father/Husband's name.
 - b) Whether SC/ST/SCBC/PH.
2. Applicant's profession.
3. Applicant's residence.
4. Name of the PDS commodity/commodities.
which the applicant wants to deal with
5. a) Details of place where the applicant wants to
act as dealer/wholesaler/sub-wholesaler
b) Place of business

Photograph
of the
applicant

Plot No.	Street Address-----
Khata No.	-----
Mouza:	Pin Code-----
Description of boundary:	P.S.....
To the East.....	District.....
North.....	
West.....	
South	

- c) Nature of premises
 - (i) Building Pucca / Kacha
 - (ii) Roofing(RCC, Asbestos sheet etc.)
 - (iii)Compound wall. Yes/ No
- d) Ownership of premises
 - Own/rented
 - If rented, the details of
Agreement made with the owner
6. Whether, the applicant wants to act as retailer
or wholesaler/sub-wholesaler.
7. Did the applicant hold a licence on any-
previous occasion?
(If so , give particulars including its suspension
or cancellation, if any.)

8. Quantity of each of the PDS commodities
handled annually during last three years
9. Quantity of each of the PDS commodities
likely to be handled during the current year.
10. Income-tax paid in the two years preceding
the year of application.
(to be indicated separately)
(Income Tax Clearance Certificate to be attached)
11. (a) Quantities of each of the PDS commodities
in the possession of the applicant on
the date of application.
(b) complete address of places where the
essential commodities are proposed to be stored.

I declare that the quantities of each of the essential commodities specified above are in my possession this day and are held at the places noted above.

I have carefully read the conditions of licence given in Form 'B' appended to the Orissa Public Distribution System (control order, 2006 and I agree to abide by them.

I declare that the datas/ information furnished by me in the application are true and correct to the best of my knowledge and belief.

*(a) I have not previously applied for such licence in this district.

*(b) I applied for such licence in this district for-----on-----
-----and was /was not granted a licence on-
-----.

*(c) I hereby apply for renewal of licence No.-----Dt.-----

*(d) I hereby apply for issue of duplicate copy of licence No.----- Dt-----
--

*(e) I hereby apply for reissue of licence No.----- Dt-----

Place:

Date:

Signature of the applicant

*Strike off the items, which are not applicable.

FORM 'B'
[See clause 6 (2)]
[The Orissa Public Distribution System (Control) Order, 2008]
Licence for operation as a Retailer or a Wholesaler/Sub-wholesaler
Licence No.....

Passport
 photograph
 of licence to
 be pasted

1. Subject to the provisions of the Orissa Public Distribution System (Control) Order, 2008 and to the terms and conditions of this licence is/are hereby authorized to operate as a Retailer/a wholesaler / a sub-wholesaler in the PDS commodities mentioned below:-

- (i)
- (ii)
- (iii)
- (iv)

2. (a) The licensee shall carry on the aforesaid business , i.e, store and sale essential commodities only at the following place:-

Premises in details
 Building
 Street Address
 Description of boundaries
 East
 West
 North
 South
 Owner of land

(b) He may purchase the essential commodities from the authorized persons/ depots and store the same for sale at places specified under item (i) above.

NOTE- If the licensee Intends to store his/her stocks of essential commodities in a place other than that specified above, he shall obtain prior permission thereof from the licensing authority in writing.

3. The License is subject to following terms and conditions.

(A) The licensee shall have adequate storage space for entire allotment of the months and he shall take adequate measures to ensure that the PDS commodities stored by him are maintained in proper condition and that, in case of foodgrains and sugar, damages due to ground moisture, rain, insects, rodents, birds, fire, etc. such other causes are avoided. Suitable dunnage shall be used to avoid damage from ground moisture and the foodgrains

shall be fumigated with chemical approved for the purpose by person who have undergone practical training in that regard. The licensee shall also ensure that materials likely to contaminate foodgrains and sugar are not stored along with the same in the same godown or in immediate juxtaposition of foodgrains and sugar.

(B) In case of the storage of SKO following guidelines are to be followed scrupulously:

- (i) Barrels of at least 215 litre capacity are to be used.
- (ii) All barrels should be filled uniformly to the level of 200 litres. Only one barrel can be filled to less than 200 litres.
- (iii) The name of the licensee, license no and, serial number of barrel should be painted on the barrel in white letters.
- (iv) All barrels should be painted in blue colour.

(C) Declaration of business, stock, price and entitlement are to be displayed near the entrance on the outside of the shop.

(D) The dealer should operate the Fair Price Shop business himself / or through his employees. However, Accounts must be authenticated by the licensee himself every day. In case the licensee desires to engage any employee, family member or agent to assist him in running the business, he should obtain prior permission from the Licensing authority and the specimen signature of such persons should be authenticated on the first page of the tally register (Stock register in case of storage agents and agent wholesalers) by an official of the Civil Supplies Department.

(E) The prior permission from the Licensing Authority in writing is to be obtained if the place of business is going to be closed for specific day (s). However business premises should not be closed, the licensee has engaged any employee or agent to operate the Fair Price Shop.

(F) The Dealer should keep certified weights and measures and obtain fire safety clearances and other statutory clearances required for business.

(G) The Licensee shall keep reserve stock in such quantities as may be directed by the licensing authority.

(H) The licensee, if retailer, shall install electronic weighing equipments for correct weighment of PDS commodities. If the licensee is a Storage Agent, he shall install computerized weighing equipments with system of pre-printed receipt for the weighment.

(I) Citizen's Charter shall be displayed prominently in the business premises.

(J) The licensee, and his employees/agents shall meticulously comply with their responsibilities enumerated in clause 10 and 11 of the Order.

4. The licensee shall complete his/her accounts as specified in clause 13 of the Orissa Public Distribution System (Control) Order, 2008 for each day to which they relate unless prevented; by reasonable cause, the burden of proving which shall be upon him/her. There should be no over writing in the register. In case corrections are necessitated, the old entry will be scored off and new entry be recorded, duly initialed by the licensee.

5. The licensee shall furnish the reports and returns as specified in clause 16 of the Orissa Public Distribution System (Control) Order, 2008. He/she shall furnish correctly such information relating to his/her business as may be demanded by the licensing authority or by any officer authorised in this behalf.

6. The licensee shall not contravene the provisions of the Orissa Public Distribution System (Control) Order, 2008 or any other Order relating to the essential commodities, issued under the Essential Commodities Act, 1955 (10 of 1955) or any other law relating to said essential commodities or business for the time being in force.

7. The licensee shall give all facilities at all reasonable times to the licensing authority or any officer authorized by it or state Government for the inspection of his/her stocks and accounts at any shop, godown or other place used by him/her for storage, sale or purchase of essential commodities and for taking samples of such commodities for examination.

8. The licensee shall exhibit at the entrance or some other prominent place of his/her business premises, the price list and stock position of essential commodities held by him/her for sale. Such list shall be legibly written in the principal language of locality concerned. The board should be painted on the wall or affixed securely thereon in such a manner that the same can not be removed without breaking/damaging the wall. The minimum dimensions of the board should be as follows:

Wholesaler : 4 feet by 6 feet

Retailer: 3 feet by 4 feet

9. (a) A wholesale/ sub-wholesale licensee shall, except when specially exempted in this behalf, issue to every person from/to whom essential commodities are purchased/sold, a correct receipt, invoice or memo, as the case may be, giving therein his/her own name, address and licence No and name, address of the person from/ to whom purchased/sold with his/her signature, as also the date of transaction, the name

of the essential commodities, the quantities purchased/sold, the rate per quintal/ kilolitre or kilogram / litre as the case may be, the total price paid/ received for each item as also the grand total of the amount paid/ received and shall keep a duplicate of the same to; be available for inspection on demand by the licensing authority or any officer authorised in this behalf. The cash memos should be serially numbered and issued sequentially.

(b) A retail licensee shall make necessary entries in the ration cards correctly of the name (s) of essential commodities, date (s) of transaction, the rate, etc. under the appropriate columns therein and obtain signature or the thumb impression of the ration cardholders in the Sale Register about receipt of the commodity by the ration card holder(s).

10. The licensee shall comply with any direction, that may be given to him/her by the State Government or the licensing authority in regard to purchase, sale and storage of essential commodities and in regards to the language in which the register of accounts returns, price list receipt, memo or invoices, mentioned in paragraphs (a) (b) (c) and (d) may be written.

11. This licence shall be attached to any application for renewal.

12. This licence shall be valid up to the 31st March.

Licensing Authority

Place:

Date:

Signature of the licensees

FORM 'C'**[See clause 16(a)]****[The Orissa Public Distribution System (Control) Order, 2008]**

1. Return for the month ending
2. Name
3. Address
4. Licence No.
5. Registration No and description of vehicle
by which stock transferred
6. Particulars of Godown where stock held
7. Stock at the beginning of the month (figure for each
of the PDS commodities shall be indicated separately)
8. Quantity purchased during the month (figure for each
of the PDS commodities shall be indicated separately)
9. Quantity sold during the month (figure for each
of the PDS commodities shall be indicated separately).
10. Stock at the end of the month (figure for each of
the PDS commodities shall be indicated separately).

Place:

Date:

Signature of the Licensee